

Senate Chamber, Atlanta, Georgia  
Monday, January 29, 2007  
Tenth Legislative Day

The Senate met pursuant to adjournment at 1:00 p.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 63. By Senators Seabaugh of the 28th and Weber of the 40th:

A BILL to be entitled an Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics and materialmen, so as to provide a definition of "single-family residential real estate"; to provide for an exemption to certain liens for single-family residential real estate; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 64. By Senators Seabaugh of the 28th and Weber of the 40th:

A BILL to be entitled an Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics and materialmen, so as to provide for a special designation for certain liens filed against the wrong real estate; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 65. By Senators Seabaugh of the 28th and Weber of the 40th:

A BILL to be entitled an Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics and materialmen, so as to provide a definition of "single-family residential real estate"; to provide for certain requirements prior to entering into a contract to

perform work on single-family residential real estate; to provide for certain requirements prior to receiving payment for contracted work performed on single-family residential real estate; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 66. By Senators Schaefer of the 50th, Williams of the 19th, Rogers of the 21st, Douglas of the 17th, Hudgens of the 47th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to require access to certain medical equipment for facilities where abortions are performed and facilities of physicians who refer for abortions; to require such facilities to perform certain procedures prior to performing an abortion; to provide for certain forms; to provide a penalty for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 67. By Senators Wiles of the 37th, Williams of the 19th, Hill of the 4th, Harp of the 29th, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the general provisions of superior courts, so as to specify costs not to be considered contingent expenses; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 68. By Senators Weber of the 40th, Carter of the 13th, Douglas of the 17th, Moody of the 56th, Thomas of the 54th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to enact the "Career Academies Act of 2007"; to provide for legislative intent; to provide for definitions; to provide for the disbursement of funds by the State Board of Technical and Adult Education for career academies established as charter schools; to provide for a matching requirement; to

provide for eligibility criteria; to provide for an annual report; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 69. By Senators Smith of the 52nd and Harp of the 29th:

A BILL to be entitled an Act to amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, so as to provide for protection of river basins; to provide a short title; to provide legislative findings; to define certain terms; to regulate interbasin transfers of water; to provide for an in-stream flow policy; to provide for exemptions; to prohibit certain interbasin transfers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 70. By Senators Hamrick of the 30th, Hudgens of the 47th, Thompson of the 33rd, Murphy of the 27th, Tarver of the 22nd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 7 of the O.C.G.A., relating to financial institutions generally, so as to update the banking laws in order to reflect changes in federal law and for other purposes; to exclude the value of good will in certain transactions; to regulate real estate loans; to allow for the electronic transmission of proxy; to allow for share exchange in mergers or consolidations; to define share exchange; to change the qualifications for check sellers; to require background checks on employees and agents of check sellers; to provide for registration and testing of check sellers who are not licensed; to provide for a bond to be posted by check sellers; to provide for a cease and desist order to be issued against noncompliant licensees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Banking and Financial Institutions Committee.

SB 71. By Senators Williams of the 19th, Rogers of the 21st, Tolleson of the 20th, Staton of the 18th, Douglas of the 17th and others:

A BILL to be entitled an Act to amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of special elections generally,

so as to provide that special elections to submit questions to the voters shall be held on certain dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Ethics Committee.

SB 72. By Senators Williams of the 19th, Weber of the 40th, Rogers of the 21st, Tolleson of the 20th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Code Section 20-2-290 of the Official Code of Georgia Annotated, relating to organization of schools under the "Quality Basic Education Act," so as to provide for legislative findings; to authorize the employment of school administrative managers to conduct the financial and business affairs of a school; to provide for related matters; to repeal conflicting laws; and for other purposes

Referred to the Education and Youth Committee.

SB 73. By Senators Shafer of the 48th, Hudgens of the 47th and Moody of the 56th:

A BILL to be entitled an Act to amend Article 3 of Chapter 20A of Title 33 of the Official Code of Georgia Annotated, relating to managed health care plans, so as to provide for continued access to care for all managed health care plan enrollees subsequent to the termination of physician and facility contracts; to provide definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 74. By Senators Powell of the 23rd, Harbison of the 15th, Williams of the 19th, Harp of the 29th, Tarver of the 22nd and others:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia, so as to provide a short title; to provide certain admission standards for certain combat veterans upon making application for admission to member institutions of the University System of Georgia; to authorize the board of regents to promulgate rules and regulations regarding such admissions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 75. By Senators Meyer von Bremen of the 12th, Williams of the 19th, Stoner of the 6th and Golden of the 8th:

A BILL to be entitled an Act to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for certain purposes, so as to provide for weighting of grades for honors, advanced placement, and international baccalaureate courses for purposes of determining eligibility for postsecondary scholarships, grants, and loans; to provide for the establishment of minimum state-wide standards for honors courses; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

The following legislation was read the second time:

SB 10            SB 14

Senator Seay of the 34th asked unanimous consent that Senator Butler of the 55th be excused. The consent was granted, and Senator Butler was excused.

Senator Reed of the 35th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

Senator Hamrick of the 30th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

Senator Tarver of the 22nd asked unanimous consent that Senator Powell of the 23rd be excused. The consent was granted, and Senator Powell was excused.

The roll was called and the following Senators answered to their names:

Adelman	Heath	Schaefer
Brown	Henson	Seabaugh
Bulloch	Hill,Jack	Seay
Carter	Hill,Judson	Shafer,D
Chance	Hooks	Smith
Chapman	Hudgens	Staton
Cowsert	Johnson	Stoner
Davenport	Jones	Tarver
Douglas	Me V Bremen	Tate
Fort	Moody	Thomas,D

Goggans	Mullis	Thomas,R
Golden	Murphy	Thompson,C
Grant	Orrock	Unterman
Hamrick	Pearson	Weber
Harbison	Ramsey	Whitehead
Harp	Reed	Wiles
Hawkins	Rogers	Williams

Not answering were Senators:

Balfour	Butler (Excused)	Powell (Excused)
Thompson, S (Excused)	Tolleson (Excused)	

The members pledged allegiance to the flag.

Senator Meyer von Bremen of the 12th introduced the chaplain of the day, Reverend Garth A. Duke-Barton of Fort Gaines, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 93. By Senator Seabaugh of the 28th:

A RESOLUTION recognizing the Coweta Up In Smoke Barbecue Cook-off as the "Florida Barbeque Association Georgia State Championship"; and for other purposes.

SR 94. By Senators Williams of the 19th, Chance of the 16th, Douglas of the 17th, Staton of the 18th, Thomas of the 54th and others:

A RESOLUTION commending the Georgia Renal Coalition and recognizing January 31, 2007, as "Georgia Dialysis Day" in the State of Georgia; and for other purposes.

SR 95. By Senators Hill of the 32nd, Adelman of the 42nd, Unterman of the 45th, Moody of the 56th, Rogers of the 21st and others:

A RESOLUTION expressing cultural, economic, and educational cooperation with the State of Israel; and for other purposes.

Senators Hill of the 32nd and Adelman of the 42nd introduced representatives of Israel and Jewish-American relations, commended by SR 95. Consul General of Israel, Ambassador Reda Mansour, addressed the Senate briefly.

- SR 96. By Senators Hill of the 32nd, Wiles of the 37th, Rogers of the 21st, Thompson of the 33rd, Stoner of the 6th and others:

A RESOLUTION remembering and honoring the life of Dr. Robert Alan Lipson; and for other purposes.

- SR 97. By Senators Chapman of the 3rd, Williams of the 19th and Johnson of the 1st:

A RESOLUTION celebrating the birth of Anabelle Grace Meyer and Isabelle Anne Meyer; and for other purposes.

- SR 98. By Senators Chapman of the 3rd, Williams of the 19th and Johnson of the 1st:

A RESOLUTION celebrating the birth of Cadence Olivia Quesada; and for other purposes.

- SR 99. By Senators Rogers of the 21st, Pearson of the 51st, Seabaugh of the 28th, Williams of the 19th, Douglas of the 17th and others:

A RESOLUTION recognizing the contributions of home education and declaring Wednesday, February 14, 2007, Home School Day at the Capitol; and for other purposes.

- SR 100. By Senators Murphy of the 27th and Pearson of the 51st:

A RESOLUTION recognizing February 1, 2007, as "Community Health Centers Day"; and for other purposes.

- SR 101. By Senators Pearson of the 51st, Mullis of the 53rd, Rogers of the 21st, Schaefer of the 50th, Murphy of the 27th and others:

A RESOLUTION recognizing and commending the extraordinary career of Mr. Craig Lesser on the occasion of his retirement as Commissioner of the Georgia Department of Economic Development; and for other purposes.

- SR 102. By Senators Meyer von Bremen of the 12th and Hudgens of the 47th:

A RESOLUTION recognizing the Phi Delta Theta Fraternity; and for other purposes.

SR 103. By Senator Hooks of the 14th:

A RESOLUTION to recognize and celebrate the sesquicentennial of Schley County, Georgia; and for other purposes.

Senator Tate of the 38th introduced the doctor of the day, Dr. Harrison Rogers.

SENATE RULES CALENDAR  
MONDAY, JANUARY 29, 2007  
TENTH LEGISLATIVE DAY

SB 8 Property Tax Assessments; appeals; payment of interest; change certain provisions (Substitute)(FIN-1st)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman  
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 8. By Senators Johnson of the 1st and Rogers of the 21st:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and review and appeal of property tax assessments, so as to change certain provisions regarding the payment of interest in taxpayer appeals; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate Finance Committee offered the following substitute to SB 8:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and review and appeal of property tax assessments, so as to change certain provisions regarding the payment of interest in taxpayer appeals; to provide for interest; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:



**SECTION 1.**

Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and review and appeal of property tax assessments, is amended by revising subdivision (e)(6)(D)(iii)(III) as follows:

"(III) If the final determination of value on appeal is greater than the valuation thus used, the taxpayer shall be liable for the increase in taxes for the year in question due to the increased valuation fixed on appeal with interest at the rate as specified in Code Section 48-2-35. Such interest shall accrue from November 15 of the taxable year in question or the date the final installment of the tax was due to the date the additional taxes are remitted, but in no event shall ~~such interest accrue for a period of more than 180 days~~ the amount of such interest exceed \$150.00. Any taxpayer shall be exempt each taxable year from any such interest owed under this subdivision with respect to such taxpayer's homestead property."

**SECTION 2.**

Said Code section is further amended by revising division (g)(4)(B)(iii) as follows:

"(iii) If the final determination of value on appeal is greater than the valuation set by the county board of equalization, the arbitrator, or the arbitrators, as applicable, the taxpayer shall be liable for the increase in taxes for the year in question due to the increased valuation fixed on appeal with interest at the same rate as specified in Code Section 48-2-35. Such interest shall accrue from November 15 of the taxable year in question or the date the final installment of tax was due to the date the additional taxes are remitted, but in no event shall ~~such interest accrue for a period of more than 180 days~~ the amount of such interest exceed \$150.00. Any taxpayer shall be exempt each taxable year from any such interest owed under this subparagraph with respect to such taxpayer's homestead property."

**SECTION 3.**

Said Code section is further amended by adding a new subsection to read as follows:

"(m) In the event a refund is owed to the taxpayer, such refund shall be paid to the taxpayer within 60 days of the last date upon which an appeal may be filed, or the date the final determination of value is established on appeal, whichever is later. Any refund paid after the sixtieth day shall accrue interest from the sixtieth day until paid with interest at the same rate as specified in Code Section 48-2-35."

**SECTION 4.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 46, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
E Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 53, nays 0.

SB 8, having received the requisite constitutional majority, was passed by substitute.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Tuesday, January 30, 2007.

The motion prevailed, and the President announced the Senate adjourned at 1:53 p.m.